

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

|                                    |   |                              |
|------------------------------------|---|------------------------------|
| <b>SUNDAY UKWU,</b>                | ) |                              |
|                                    | ) |                              |
| <b>Petitioner,</b>                 | ) |                              |
|                                    | ) |                              |
| <b>vs.</b>                         | ) | <b>Civil Action Number</b>   |
|                                    | ) | <b>4:11-cv-04188-CLS-JEO</b> |
| <b>ERIC HOLDER, <i>et al.</i>,</b> | ) |                              |
|                                    | ) |                              |
| <b>Respondents.</b>                | ) |                              |

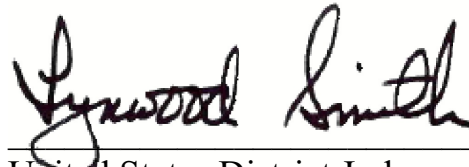
# MEMORANDUM OPINION

Sunday Ukwu, presently a detainee of the Bureau of Immigration and Customs Enforcement (“ICE”) confined at the Etowah County Detention Center in Gadsden, Alabama, filed this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 1). The Board of Immigration Appeals has ordered Ukwu removed to the Nigeria, and he is challenging his detention at the center beyond the removal period pursuant to *Zadvydas v. Davis*, 533 U.S. 678 (2001). After Ukwu filed the petition, ICE obtained the requisite travel documents to return Ukwu to Nigeria and a ticket on a commercial flight to Lagos, Nigeria, for Ukwu. (Doc. 18). However, Ukwu refused to board the commercial flight, causing respondents to move to dismiss the petition pursuant to 8 U.S.C. § 1231(a)(1)(C). (*Id.*) On April 26, 2012, the magistrate judge assigned this case issued a Report and Recommendation, finding that respondents’ motion is due to be granted in light of Ukwu’s lack of cooperation

with the removal proceedings. (Doc. 19). To date, the petitioner has not filed any objections to the Report and Recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, the court is of the opinion that the magistrate judge's report is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. Accordingly, respondents' motion to dismiss (doc. 18) is due to be granted, and the petition dismissed with prejudice. An appropriate order will be entered.

DONE this 24th day of May, 2012.

  
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United States District Judge